

THE HONOURABLE JUSTICE D M PRICE AO
CHIEF JUDGE OF THE DISTRICT COURT OF NEW SOUTH WALES
TUESDAY 27 OCTOBER 2020

- 1 **Thomas Joseph Brennan SC**, since your admission to the Bar in 2006, you have made your reputation in a broad range of areas including equity, administrative, competition and consumer, constitutional, insurance, employment and private international law. Your specialisations include aviation law and government regulation.

- 2 **Houda Younan SC**, since your admission to the Bar in 2007, you have made your reputation in appellate, commercial, criminal, administrative and taxation law. In particular, your expertise focusses on customs and anti-dumping, extradition and sports law.

- 3 **Sophie Genevieve Callan SC**, since your admission to the Bar in 2007 you have made your reputation in a diverse range of practice areas including appellate, criminal, commercial, employment, administrative and taxation law, as well as environment and planning law. Your criminal practice has included Commonwealth prosecutions and appeals for environmental offences, drug importation, white collar crime and terrorism. Your commercial practice focusses on insolvency, contract and insurance disputes. Since 2009 you have also been a reserve legal officer in the Royal Australian Air Force.

- 4 **Yaseen Shariff SC**, since your admission to the Bar in 2007, you have made your reputation in professional negligence and discipline, equity, employment, industrial, corporate, and insurance law. You have represented the Crown in Commonwealth criminal matters relating to white collar crime, counter terrorism and illicit drug importations. You have also represented ASIC, the Fairwork Ombudsman and the Australian Building and Construction Commission.

- 5 **David Anthony Lloyd SC**, since your admission to the Bar in 2008, you have made your reputation in a broad practice including equity, inquests, personal injury, commercial, and appellate law. Notably, you appeared as counsel assisting the Royal Commission into Institutional Child Abuse.
- 6 **Jonathon Alan Redwood SC**, since your admission to the Bar in 2013 after practising at the Victorian Bar from 2006, you have made your reputation in commercial disputes and class actions, appellate and administrative law, international arbitration, and inquests and inquiries. You have taught law at the Universities of Adelaide, Melbourne and Sydney. At present, you are the Vice-President of the Australian Centre of International Commercial Arbitration.
- 7 **Perry David Herzfeld SC**, since your admission to the Bar in 2013 after practising at the Victorian Bar from 2009, you have made your reputation in class actions, professional liability, commercial, constitutional, insurance, appellate, and public and private international law. You are also the co-author of *Interpretation* (2nd ed).
- 8 **Timothy David Castle SC**, you first came to the Bar in 1992, recommencing your practise in 2013. You have made your reputation as a commercial litigation specialist, acting in complex commercial and financial disputes in the areas of commercial, company, competition, franchising, financial services, insolvency, equity, professional discipline and administrative law. In 2013 you established the first United Nations Commission on International Trade Law National Coordination Committee in Australia and are the current Chair of that Committee.
- 9 On behalf of the Judges of the District Court, I congratulate you upon your appointment as Senior Counsel. When each of you took your bows announcing your rank and precedence in the order of Senior Counsel, the short recitation by me that followed, demonstrates how well deserved your appointments are.

- 10 In this year of virtual courtrooms and appearances by remote means, I am delighted to be able to take your bows in person even though COVID-safe physical distancing requires two ceremonies.
- 11 The challenges that the pandemic has presented the courts this year have required flexibility on the part of the judiciary and counsel. However, there is remarkable similarity with the difficulties that courts faced in 1919 when the “Spanish” influenza reached Australia.
- 12 In an attempt to contain the outbreak of the Spanish flu, the steps taken in New South Wales included the establishment of special isolation depots, compulsory mask wearing in public and restrictions in movement by public transport.¹ The regulation of these measures involved the criminal law. By way of illustration, in February 1919 the proprietor of a saleyard at Parramatta was charged with causing “a number of persons to gather together” contrary to a proclamation under the *Public Health Act*.² In March of the same year, two persons appeared in Newcastle Police Court charged in the following terms:
- “Being pneumonic influenza contacts, and having been directed by Nurse Muriel Fletcher to remain in the place at 60 Watt-Street, and restrained from leaving it, did leave such place before being discharged by the officers of the Board of Health.”³
- 13 The Spanish Flu had a severe impact upon the courts infecting many court staff.⁴ The Goulburn Evening Penny Post reported in an article published in June 1919 that the suburban police courts would be compelled “to resort to half-day sittings unless the epidemic abated”.⁵
- 14 Remarkably, the courts continued to sit which included jury trials in the Supreme Court and Quarter Sessions.

¹ Greg D Woods, *A History of Criminal Law in New South Wales: A New State 1901-1955* (The Federation Press, 2018) vol 2, 319.

² Ibid.

³ Ibid.

⁴ Ibid 320.

⁵ Ibid.

15 Greg Woods, an eminent silk before he became a Judge of the District Court in 1997 recounts in his work “*A History of Criminal Law in New South Wales: The New State 1901-1955*” volume 2:

“Regulations requiring the wearing of face masks made judges anxious to balance dignity against self-preservation. Chief Judge Cullen and colleagues ‘sitting in the Banco Court today, intimated that they have received a letter from the Attorney-General stating that the judges would be exempted from wearing masks. But members of the bar, who remove their masks, should keep a reasonable distance away’.”⁶

16 An article in the Sydney Morning Herald on 12 April 1919 reports that there were no masks to be worn in the High Court.⁷ Sir Samuel Griffiths, the Chief Justice of Australia, Mr Justice Barton and Mr Justice Rich did not wear masks when they entered the High Court.⁸ However, counsel at the Bar Table and the officers of the Court, including the associate, had their masks on.⁹

17 Mr Blackett of King’s Counsel, on behalf of the four barristers in the appeal, asked for leave to dispense with the masks, which was granted.¹⁰

18 Social distancing was required of all court participants. Under the heading “Precautions at Quarter Sessions”, the Goulburn Evening Penny Post published on 4 February 1919 included the following:

“At this morning’s sittings of the Goulburn Quarter Sessions, his Honour Judge Bevan congratulated the jurors and the public for the way in which they had refrained from congregating in the Court and the vestibule. It was, he said, in the interests of public health that such steps should be taken, and he was glad there had been so little need to enforce the request he had made at the beginning of the sessions.”¹¹

19 As Jean-Baptiste Alphonse Karr wrote in 1849:

“The more things change, the more they stay the same...”

⁶ Ibid.

⁷ ‘No Masks in High Court’, *The Sydney Morning Herald* (Sydney, 12 April 1919) 18.

⁸ Ibid.

⁹ Ibid.

¹⁰ Ibid.

¹¹ ‘Precautions at Quarter Sessions’, *Goulburn Evening Penny Post*, (Goulburn, 4 February 1919) 2.

- 20 The Honourable James Spigelman AC, during his time as the Chief Justice of the Supreme Court of New South Wales regularly emphasised the significance of the longevity of our institutions for the administration of justice. The tradition of the appointment of silk dates back as you know over 400 years. Whilst the name and method of appointment may have changed, the central leadership role that you play in upholding the rule of law has in no way diminished.
- 21 On behalf of all Judges of the District Court, I wish Senior Counsel every success in your leadership roles at the Bar.
- 22 Please now join us for morning tea.